

E-FILED ON JUNE 18, 2007

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Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

Chapter 11

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,
 Debtor.

Jointly Administered Under
 Case No. BK-S-06-10725 LBR

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

**NOTICE OF ENTRY OF
 SUPPLEMENTAL ORDER
 SUSTAINING IN PART THE
 OMNIBUS OBJECTION OF USA
 SECURITIES, LLC TO CERTAIN
 CLAIMS AND CERTIFICATE OF
 SERVICE**

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☒ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC

Hearing Date: April 26, 2007
 Hearing Time: 9:30 a.m.

NOTICE IS HEREBY GIVEN that a Supplemental Order Sustaining in Part the Omnibus Objection of USA Securities, LLC to Certain Claims was entered on the 30th day of May, 2007, a copy of which is attached hereto.

Dated: this 30th day of May, 2007.

/s/ Lenard E. Schwartz, Esq
 Lenard E. Schwartz, Nevada Bar No. 0399
 Jeanette E. McPherson, Nevada Bar No. 5423
 SCHWARTZER & MCPHERSON LAW FIRM
 2850 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146

and

Annette W. Jarvis, Utah Bar No. 1649
 RAY QUINNEY & NEBEKER P.C.
 36 South State Street, Suite 1400
 P.O. Box 45385
 Salt Lake City, Utah 84145-0385

1. On June 18, 2007 I served the following document(s):

a. Notice of Entry of Supplemental Order Sustaining in Part the Omnibus Objection of USA Securities, LLC to Certain Claims

2. I served the above-named document(s) by the following means to the persons as listed below:

☐ a. By ECF System:

☒ b. By United States mail, postage fully prepaid:

Brenda Falvai
 252 N. Paseo De Juan
 Anaheim CA 92807-2319

KPT Irrevocable Trust Dated 7/16/99
 c/o Karen Petersen Tyndall Ttee
 1012 Greystoke Acres St.
 Las Vegas NV 89145-8659

Karen Petersen Tyndall Trust Dated 3/9/94
 c/o Karen Petersen Tyndall Ttee
 1012 Greystoke Acres St.
 Las Vegas NV 89145-8659

Quinn, Edward & Darlene
 660 NW Brookhaven Dr.
 Lee's Summit, MO 64081

☐ c. By Personal Service

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. **By direct email (as opposed to through the ECF System)**

Based upon the written agreement to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. **By fax transmission**

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. **By messenger**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service.

I declare under penalty of perjury that the foregoing is true and correct.

Signed on: June 18, 2007

SARAH ARNOLD

(Name of Declarant)

/s/ SARAH ARNOLD

(Signature of Declarant)

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Doc #: 3844

Filed: 05/30/2007

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Entered on Docket
May 30, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☒ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

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Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**SUPPLEMENTAL ORDER
SUSTAINING IN PART THE
OMNIBUS OBJECTION OF USA
SECURITIES, LLC TO CERTAIN
CLAIMS**

Date of Hearing: April 26, 2007
Time of Hearing: 9:30 a.m.

SCHWARTZER & MCPHERSON LAW FIRM

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Las Vegas, Nevada 89146-5308

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The Omnibus Objection of USA Securities, LLC to Certain Claims (the "Objection") (Docket No. 3021) came before this Court on proper notice at the hearing held April 26, 2007, at 9:30 a.m. Steven C. Strong of Ray Quinney & Nebeker P.C. appeared on behalf of USA Securities, LLC, Eve Karasik of Stutman, Treister & Glatt, P.C. appeared on behalf of the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC (the "FTDF Committee"), and other appearances were noted on the record.

On May 15, 2007, the Court entered an order sustaining in part the Objection (Docket No. 3732) (the "May 15th Order"). The four claims listed on Exhibit D of the Objection were inadvertently omitted from the May 15th Order. The Court, however, had sustained the objections to these four claims at the hearing in addition to the objections to the claims listed in the May 15th Order.

THE COURT, therefore, having considered the Objection and responses thereto, and having determined that good and sufficient cause exists for sustaining the Objection to the extent set forth below and in the May 15th Order, HEREBY ORDERS THAT:

1. All of the claims listed on Exhibit D to the Objection, as set forth in the following table, are disallowed in their entirety:

	<u>Claimant</u>	<u>Proof of Claim No.</u>	<u>Date Claim Filed</u>	<u>Proof of Claim Amount</u>
1	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10729-00012	6/2/2006	50,933.34
2	Karen Petersen Tyndall Trust Dated 3/9/94 C/O Karen Petersen Tyndall Ttee 1012 Greystoke Acres St Las Vegas, NV 89145-8659	10729-00031	11/10/2006	1,115,915.59
3	KPT Irrevocable Trust Dated 7/16/99 C/O Karen Petersen Tyndall Ttee 1012 Greystoke Acres St Las Vegas, NV 89145-8659	10729-00032	11/10/2006	202,866.38
4	Quinn, Edward & Darlene 660 NW Brookhaven Dr Lee's Summit, MO 64081	10729-00020	7/12/2006	156,388.48

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2. The claims that are disallowed pursuant to this Supplemental Order are disallowed in their entirety and for all purposes as claims against USA Securities LLC and are not allowed as claims against USA Capital First Trust Deed Fund, LLC or against any of the other Debtors in these jointly-administered bankruptcy cases. The disallowance of the claims pursuant to this Supplemental Order is in addition to the disallowance of those claims subject to the May 15th Order.

Submitted by:
SCHWARTZER & MCPHERSON LAW FIRM
and RAY QUINNEY & NEBEKER P.C.

By: /s/ Lenard E. Schwartz
LENARD E. SCHWARTZER, ESQ.
JEANETTE E. MCPHERSON, ESQ.
ANNETTE W. JARVIS, ESQ.
STEVEN C. STRONG, ESQ.
Attorneys for USA Securities, LLC

Approved by:
STUTMAN TREISTER & GLATT, P.C. and
SHEA & CARLYON, LTD.

By: /s/ Andrew Parlen
EVE KARASIK, ESQ.
ANDREW PARLEN, ESQ.
CANDACE C. CARLYON, ESQ.
*Counsel for the Official Committee of
Equity Security Holders of USA Capital
First Trust Deed Fund LLC*

Approved by:
OFFICE OF THE U.S. TRUSTEE

By: _____
AUGUST B. LANDIS, ESQ.
SCOTT A. FARROW, ESQ.

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2. The claims that are disallowed pursuant to this Supplemental Order are disallowed in their entirety and for all purposes as claims against USA Securities LLC and are not allowed as claims against USA Capital First Trust Deed Fund, LLC or against any of the other Debtors in these jointly-administered bankruptcy cases. The disallowance of the claims pursuant to this Supplemental Order is in addition to the disallowance of those claims subject to the May 15th Order.

Submitted by:
SCHWARTZER & MCPHERSON LAW FIRM
and RAY QUINNEY & NBBECKER P.C.

By:
LEONARD E. SCHWARTZER, ESQ.
JEANETTE E. MCPHERSON, ESQ.
ANNETTE W. JARVIS, ESQ.
STEVEN C. STRONG, ESQ.
Attorneys for USA Securities, LLC

Approved by:
STUTMAN TREISTER & GLATT, P.C. and
SHEA & CARLYON, LTD.

By:
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ANDREW PARLEN, ESQ.
CANDACE C. CARLYON, ESQ.
*Counsel for the Official Committee of
Equity Security Holders of USA Capital
First Trust Deed Fund LLC*

Approved By:
OFFICE OF THE U.S. TRUSTEE

By: 
AUGUST B. LANDIS, ESQ.
SCOTT A. FARROW, ESQ.

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